

MINUTES OF THE UNITED STATES DISTRICT COURT
DISTRICT OF ALASKA

GMW FIRE PROTECTION, INC., vs. KANAG'IQ CONSTRUCTION COMPANY,
EX REL INC., ET AL

BEFORE THE HONORABLE TIMOTHY M. BURGESS
CASE NO. 3:05-cv-00170-TMB

DEPUTY CLERK/RECORDER: APRIL KARPER

APPEARANCES: PLAINTIFF: SARAH TUGMAN

DEFENDANT: THOMAS GINGRAS / LAURA GOULD

PROCEEDINGS: TRIAL BY JURY - DAY 4 HELD JANUARY 25, 2008:

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At 10:14 a.m. court convened without the jury panel present.

Court and counsel heard re witnesses.

At 10:20 a.m. the jury panel entered the courtroom.

Chieko Jury resumed the stand and testified further on behalf of the defendant.

Glenn Floyd Johnson resumed the stand and testified further on behalf of the plaintiff on rebuttal.

At 11:05 a.m. the jury panel exited the courtroom to reconvene Monday, January 28, 2008 at 9:00 a.m.

Court and counsel heard re jury instructions and special verdict forms.

At 11:09 a.m. court recessed until 1:46 p.m. without the jury panel present.

Court and counsel heard re plaintiff's oral motion for directed verdict re unfair trade practices.

Court and counsel heard re plaintiff's oral motion for directed verdict re breach of contract claim.

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Court and counsel heard re defendant's renewed oral motion for directed verdict re the claim against Western Surety Company as the bonding company.

Court and counsel heard re defendant's renewed oral motion for directed verdict re waiver and ratification as affirmative defenses.

At 1:58 p.m. court recessed until 2:37 p.m. without the jury panel present.

Court and counsel heard re defendant's renewed oral motion for directed verdict re the claim against Western Surety Company as the bonding company; **DENIED.**

Court and counsel heard re defendant's renewed oral motion for directed verdict re waiver and ratification as affirmative defenses; **DENIED.**

Court and counsel heard re plaintiff's oral motion for directed verdict re unfair trade practices; **GRANTED.**

Court and counsel heard re plaintiff's oral motion for directed verdict re breach of contract claim; **DENIED.**

At 2:43 p.m. court recessed this matter to reconvene Monday, **January 28, 2008 at 8:45 a.m.**

DATE: January 25, 2008 DEPUTY CLERK'S INITIALS: amk